

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE DONES,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

X

USDC SDNY
DOCUMENT
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ORDER

08 Civ. 926

04 Cr. 118

X

Jose Dones has petitioned this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2255. The Court has considered the petition preliminarily and it is hereby ORDERED that:

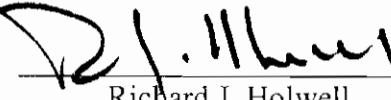
- (1) The respondent shall file an answer or other pleading on or before June 20, 2008;
- (2) To the extent relevant to the answer or other pleading, the respondent shall include transcripts of any relevant proceedings not already contained in the record, the briefs submitted on appeal, if relevant, and such other documents as are adverted to in the answer or other pleading if not already contained in the record;
- (3) Petitioner shall have thirty (30) days from the date on which he is served with respondent's papers to file a response, and the petition will be considered fully submitted as of that date; and
- (4) Should respondent determine to move with respect to the petition,
 - (a) the motion shall be served and filed on or before June 20, 2008,
 - (b) petitioner shall have thirty (30) days to serve and file any response to the motion, and
 - (c) should petitioner fail to serve and file any response to the motion, or fail to seek an extension of the time in which to do so, the Court shall consider respondent's motion to be unopposed.

(5) **The United States' response (whether by answer or motion) may not be in letter form.** Any factual assertions must be set forth in any affidavit or declaration, except those for which transcript or other record citations are provided. A memorandum of law must accompany the submission. The memorandum must contain a fact section that includes citations for all statements of fact—whether to a transcript, other record document, the affidavit or declaration, or a document annexed thereto. Two courtesy copies of the response shall be sent to the Chambers of the undersigned.

The Clerk of the Court is directed to serve a copy of this Order and any other orders previously issued by the Court, the underlying petition, and any documents filed by the petitioner in support of the underlying petition (or in response to any order previously issued by the Court) on the United States Attorney for the Southern District of New York. Such service shall be made by Certified Mail, Return Receipt Requested.

SO ORDERED.

DATED: New York, New York
April 21, 2008



Richard J. Holwell
United States District Judge